



Atty. Dkt. No. 078883-0133

#5 Election
4-9-03
HFL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Keith HASLAM et al.

Title: MICROARRAYING APPARATUS, PIN HEAD THEREFOR AND SPOTTING METHOD

Appl. No.: 09/892,614

Filing Date: 06/28/2001

Examiner: Steven O. Douglas

Art Unit: 3751

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TECHNOLOGY CENTER R3700

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:/.

This Paper is filed in response to the Office Action requiring restriction of the claims, mailed on March 19, 2003.

REMARKS

The Examiner restricted the claims of the application into three groups as follows:

The Examiner restricted the claims of the application into three groups:

- Group I: claims 1-4 and 13, drawn to a head apparatus for a microarraying apparatus;
- Group II: claims 5-12, drawn to a microarraying apparatus; and
- Group III: claim 14, drawn to a spotting method using a microarrayer.

Applicants elect for prosecution Group II, claims 5-12, drawn to a microarraying apparatus, **with traverse**.

Applicants traverse the restriction on the grounds that the Examiner has failed to properly establish the need for a restriction requirement. The criteria for a proper restriction requirement, according to MPEP § 803, is that the Examiner must establish that the inventions are independent or distinct as claimed **and** that there is a serious